

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

**NOTICE OF MOTION
TO DISMISS**

UNITED STATES OF AMERICA,

v.

19-CR-227 (JLS) (MJR)

JOSEPH BONGIOVANNI,
PETER GERACE, JR.,

Defendants.

UNITED STATES OF AMERICA,

v.

23-CR-37 (JLS) (MJR)

PETER GERACE, JR.,

Defendant.

MOTION MADE BY:

Defendant, Peter Gerace, Jr., by and through his attorneys, Lippes Mathias LLP.

DATE, TIME AND PLACE:

At a date and time determined by the Court, Robert H. Jackson Courthouse, 2 Niagara Square, Buffalo NY 14202.

SUPPORTING PAPERS:

Declaration of Eric M. Soehnlein, Esq., dated June 7, 2023.

RELIEF REQUESTED:

An Order of this Court:

1. Dismissing the Indictment as it pertains to Mr. Gerace;
2. Scheduling a hearing on this issue; and

3. For such other and further relief as the Court deems just and proper.

DATED: Buffalo, New York
June 7, 2023

Respectfully submitted,

LIPPES MATHIAS LLP

By: s/ Eric M. Soehnlein
Eric M. Soehnlein, Esq.
Attorneys for Defendant
Peter Gerace, Jr.
50 Fountain Plaza, Suite 1700
Buffalo, New York 14202
Telephone: 716-853-5100
E-mail: esohnlein@lippes.com

TIVERON LAW

s/Steven M. Cohen
Attorneys for Defendant
Peter Gerace, Jr.
2410 N. Forest Road
Suite 301
Getzville, New York 14068
(716) 636-7600
scohen@tiveronlaw.com